

# SOLICITOR

OCT 22 2007

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	U.S. PATENT & TRADEMARK OFFICE REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court TRENTON, NJ on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 07-CV-5001 (FLW)	DATE FILED 10/17/2007	U.S. DISTRICT COURT TRENTON, NJ
PLAINTIFF SEPRACOR INC. UNIVERSITY OF MASSACHUSETTS		DEFENDANT DR. REDDY'S LABORATORIES, LTD. DR. REDDY'S LABORATORIES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,214,683		SEE ATTACHED COMPLAINT
2 7,214,684		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK <i>William J. Walsh/CE</i>	(BY) DEPUTY CLERK <i>Charmaine Ellington</i>	DATE 10/18/2007
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director  
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

From: Bowman, Ben (Raytheon)

Sent: 12/13/2005 11:42:55 AM

To: Bowman, Ben (Raytheon)

CC:

Subject: testing

here is a test

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Attachment Information:

Count: 1

Files: TTAB2ScreenShots.doc

13. On May 8, 2007, the '684 patent, entitled "Methods for the Treatment of Allergic Rhinitis," was duly and legally issued. Sepracor and UMass are assignees of the entire right, title and interest in the '684 patent. A copy of the '684 patent is attached hereto as Exhibit B.

14. The '683 and '684 patents are identified in the FDA publication entitled "Approved Drug Products with Therapeutic Equivalence Evaluations" in association with extended release tablets containing desloratadine and pseudoephedrine sulfate, which are sold as a commercial product under the trade name Clarinex<sup>®</sup>, and those patents cover an approved use of commercial Clarinex<sup>®</sup>.

**Acts Giving Rise to this Action**

15. Plaintiff Sepracor received a letter from DRL, dated September 4, 2007 ("the Notification Letter"), notifying them that Defendants had filed with the FDA an ANDA (No. 79-027) under § 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355(j)) to obtain FDA approval to engage in the commercial manufacture, importation, use, offer for sale or sale of extended release tablets containing 2.5 mg desloratadine and 120 mg pseudoephedrine sulfate ("DRL's Proposed Products").

16. Upon information and belief, Defendants intend to engage and will engage in the commercial manufacture, importation, use, offer for sale or sale of DRL's Proposed Products promptly upon receiving FDA approval to do so.

17. The Notification Letter states that ANDA No. 79-027 contains a "Paragraph IV Certification" that, in Defendants' opinion, the '683 and '684 patents are invalid.

18. The Notification Letter does not allege that the '683 and '684 patents are unenforceable, or that the marketing of DRL's Proposed Products will not infringe claims of the '683 or the '684 patent.